

Patent No. 5,544,378 by Chow (the '378 patent), and/or U.S. Patent No. 3,537,750 by Lohr (the '750 patent) under 35 U.S.C. Section 102(b) and/or 35 U.S.C. Section 103. The Examiner also indicated that Claims 11, 16, 18-23 and 27-28 included allowable subject matter.

Independent Claim 13 has been amended to include the subject matter of dependent Claim 16. In this regard, Applicant believes Claim 13, and all claims depending therefrom, are in condition for allowance. In addition, new Claim 29 substantially corresponds to the subject matter of Claim 1 with all of the limitations of Claims 2 and 3, which substantially corresponds in subject matter to Claim 13, as amended. In this regard, Applicant believes new Claim 29 is in condition for allowance as well. Furthermore, new Claim 30 substantially corresponds to the subject matter of Claims 1 and 11, and new Claims 31 and 32 substantially correspond to the subject matter of Claims 13 and 21. Finally, new Claim 33 corresponds to the subject matter of Claims 13 and 22. As such, Applicant believes Claims 29-33 are in condition for allowance and such action is hereby respectively solicited.

The Examiner initially rejected independent Claim 1 under 35 U.S.C. Section 102(b) as being anticipated by the '435 patent, the '344 patent and the '443 patent. Applicant has amended independent Claim 1 to include the subject matter of dependent Claim 7. Since Claim 7 was rejected only as being anticipated by the '435 patent, the allowability of independent Claim 1, as amended, is addressed herein only in relation to the '435 patent.

Independent Claim 1, as amended, is directed to a headrest for supporting a person's head. Such headrest generally includes at least a first wing member adapted to abuttingly engage a corresponding first side portion of the person's head, a back member adapted to abuttingly engage at least a back portion of the person's head, and at least a first hinge for interconnecting the first wing member to a first end portion of the back member, the first wing member being pivotable relative to the back member. In this embodiment, the first hinge includes a first pivot adjustment member comprising a first torsion or clutch spring for releasably maintaining the first wing member in at least a first of a plurality of pivot positions relative to the back member. Such

pivot adjustment member of the headrest of the present invention allows a user to easily and quickly move the first wing member to various pivot positions relative to the back member, where it will remain until a specific torque is applied (e.g., by the user) to move the first wing member to another pivot position relative to the back member. In use, a user may apply a torque to overcome a selected resistance of the torsion spring to move the wing member to a selected pivot position. Advantageously, the selected resistance of such torsion springs allows a person's head to be adequately supported (e.g., without movement or slippage of the wing member relative to the back member) since the torque required to overcome the selected resistance is less than the typical force applicable against a wing member by a person's head when at rest. Additionally, by providing a headrest having torsion springs of a selected resistance, the headrest of the present invention also allows the wing members to accommodate instances where slippage of the wing members is desired (e.g., for comfort or safety purposes, such as when experiencing a 1 g or greater lateral load during cornering in a moving vehicle, or when a person's head is unexpectedly bumped against the wing member).

The '435 patent does not disclose or suggest providing a headrest which utilizes a torsion or clutch spring to allow a user to quickly and easily adjust the angular positions of the wing members relative to the back member. In contrast, the '435 patent is directed to a headrest which relies on stiction forces to hold a side piece in a particular position. Such stiction forces in the '435 patent are provided by wing nuts, which must be rotatively loosened to move the side piece to a particular position and then tightened relative to the bolts threadedly engagable therewith to secure the side pieces at the particular position. Unfortunately, the stiction forces generated by tightening such wing nuts in the headrest of the '435 patent are very unpredictable and unreliable, thus frequently resulting in slippage of the side piece relative to the back member when a person's head is at rest thereon (e.g., when not tightened adequately). In addition, from a safety perspective, in the event such wing nuts are highly tightened, such that the side piece is fixed or substantially immovable relative to the back member, the headrest of the '435 patent can

result in discomfort or even injury to a person (e.g., when experiencing a 1 g or greater lateral load during cornering in a moving vehicle, or when a person's head is unexpectedly impelled against the side piece). In this regard, the '435 patent does not disclose or suggest providing a headrest which utilizes torsion springs having a selected resistance (e.g., the weight of a typical person's head) to facilitate both positioning of the wing members relative to the back member and maintaining such wing members in the selected pivot positions relative to the back member in an efficient, safe and easy-to-use manner. As such, Applicant believes Claim 1, and all Claims depending therefrom, are allowable over the '435 patent.

The Examiner initially rejected independent Claim 24 under 35 U.S.C. Section 102(b) as being anticipated by the '435 patent and the '344 patent. Independent Claim 24, as amended, is directed to a headrest for supporting a person's head, such headrest generally including a frame for supporting first and second side portions and the back portion of a person's head utilizing first and second wing members and a back member, first and second pivot members for pivotally interconnecting the first and second wing members to the back member, respectively, the first and second pivot members including first and second torsion springs, respectively, for releasably maintaining the first and second wing members in a plurality of pivot positions relative to the back member, and first and second rotation stop members for limiting rotation of the first and second wing members, respectively, relative to the back member, and padding covering the frame. As such, the headrest of the present invention allows a user to easily and efficiently move the first and second wing members to various pivot positions relative to the back member while reliably maintaining such wing members in the selected pivot positions. Additionally, the rotation stop members prevent the wing members from rotating beyond a selected orientation relative to the back member, which is especially useful in instances of sudden braking or deceleration where the user's head may be thrown back into the headrest, since such rotation stops limit inward or forward rotation of the wing members relative to the back member.

Neither the '435 patent nor the '344 patent disclose or suggest the combination of such features. More specifically, neither the '435 patent nor the '344 patent disclose or suggest providing a headrest which utilizes torsion springs to facilitate both positioning of the wing members relative to the back member and maintaining such wing members in selected pivot position relative to the back member in an efficient, safe and easy-to-use manner, let alone providing a headrest having rotation stops to inhibit serious injury during sudden braking or deceleration (e.g., where utilized in moving vehicles). In particular, and as discussed hereinabove in relation to Claim 1, the '435 patent is instead directed to a headrest which relies on unpredictable and unreliable stiction forces to hold a side piece in a particular position. Such stiction forces are provided by a wing nut which threadedly engages a bolt, the wing nut being rotatively loosened and then tightened relative to the bolt to secure a side piece at a particular position. The '344 patent is directed to a headrest for preserving the hair style of a user while such user is sleeping. In this regard, neither the '435 patent nor the '344 patent disclose or suggest facilitating the positioning of wing members and maintaining of such position of wing members by utilizing torsion springs, let alone disclose or suggest providing a mechanism to reduce the risk of injury to a person utilizing a headrest in a moving vehicle, especially during braking or sudden stops. Indeed, Applicant submits that the '344 patent is nonanalogous art as it is directed to significantly different problems, outside of the field of use of applicant's invention. As such, Applicant believes independent Claim 24, as amended, and all claims dependent therefrom are allowable over the '435 patent and the '344 patent.

The Examiner also noted in the Office Action that with regard to Claim 25, it is not understood what the Applicant means as "vertically rotatable". A description of "vertically rotatable" is provided on page 4, lines 7-15 of the specification of the present application, as well as in originally filed Claim 25. Applicant includes herewith new Figures 6A-6B, which illustrate the wing members being vertically rotatable relative to the back member. Additionally, applicant has requested amendment of the present application to include a description of Figs. 6A-6B.

Applicant believes that Figures 6A-6B, as well as the description thereof, do not introduce any new matter into the application in view of the above-identified disclosure in the application as originally filed, on page 4, lines 7-15 and Claim 25 of the present application.

Applicant believes that this application is in condition for allowance and such action is respectfully solicited. In the event the Examiner believes that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is encouraged to contact the undersigned attorney at 303-861-7000.

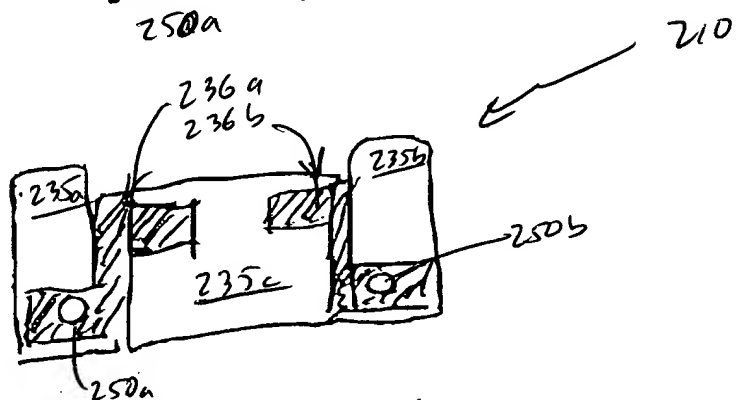
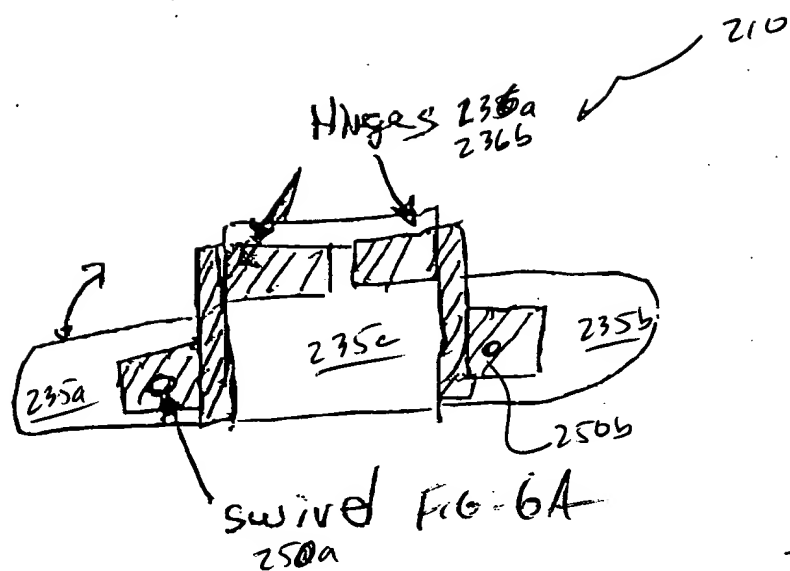
Respectfully Submitted,

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swivel  
FIG. 6B